

**COMMISSION ON TECHNOLOGY  
e-COURT SUBCOMMITTEE  
APPELLATE COURTS SUBTEAM  
MEETING SUMMARY**

**September 13, 2011**  
10:30 a.m. – 11:30 a.m.

**State Courts Building Room 415**

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**SUPREME COURT MEMBERS  
PRESENT**

Vice Chief Justice Andrew Hurwitz  
Clerk Rachelle Resnick  
Staff Attorney Ellen Crowley

**APPEALS DIVISION ONE  
MEMBERS PRESENT**

Chief Judge Larry Winthrop  
Clerk Ruth Willingham  
Jeremiah Matthews

**APPEALS DIVISION TWO MEMBERS  
PRESENT**

Clerk Jeff Handler\*  
Chief Judge Joe Howard\*

**AOC STAFF & GUESTS**

Stewart Bruner, *ITD*  
Karl Heckart, *ITD*  
Jim Price, *ITD*

\* indicates appeared via telephone

**AZTURBOCOURT STATUS AND SCHEDULE**

Clerk Rachelle Resnick distributed a sheet tracking the number of filings coming into both the Supreme Court and Division One. It showed a continued increase in AZTurboCourt cases and C2C transfers with a continued decrease in ACE filings (down to just 10). Justice Hurwitz directed that remaining ACE filers be contacted and a notice of shutdown be placed on the website with a link to AZTurboCourt.

Rachelle described her frustration about living in a “half and half world” where some filings are still on paper and some electronic. Justice Hurwitz requested data about what percentage of total cases filed are now electronic. Both courts reported that the number of filings they receive by mail continue at about the same volume as ever. Participants felt that the shock of mandatory e-filing would be minimal on appellate attorneys as long as sufficient publicity is generated beforehand. Time in the next meeting will be devoted to crafting a communication and training plan with Janet Johnson.

Judge Winthrop reminded members of the apprehension about e-filing that exists among rural judges and Karl Heckart pointed out that rural superior court e-filing will not get underway until AJACS is integrated with AZTurboCourt, following the Pima rollout.

**ADDRESSING ATTORNEYS’ CONCERNS**

Rachelle reported on calls she has received from attorneys about their discontent with various aspects of AZTurboCourt. Rachelle is holding a meeting with pilot users later this month. Justice Hurwitz agreed that the issues need to be collected and reviewed to determine what items can be addressed, but stressed that the Court will not be backing away from requiring use of the system by attorneys. Karl reminded members that this

same road has been travelled previously with other populations, probation officers for example, when automation disrupted their work processes. Justice Hurwitz suggested addressing members of the appellate practice section of the Bar about the changes and requesting their input. A suggestion was made to have a representative from a pilot firm or solo practitioner write a testimonial for AZTurboCourt for publication to other lawyers.

### **PROPOSED AMENDMENT TO FEE SCHEDULE**

Clerk Ruth Willingham handed out a proposal for amending the fee charged for copying costs at the Court of Appeals, Division One, as the work load switches from paper to electronic files. Discussion shifted to the applicability of a flat research fee rather than the per-page charge left over from the paper days. Stewart Bruner will ask AOC Legal, on Division One's behalf, about the legal grounding for assessing a research fee at the appellate courts, regardless of practices at the superior court level.

### **OTHER UPDATES AND ISSUES**

- The group discussed charging civil mental health filing fees in relation to the “no reject” policy, since AZTurboCourt isn't coded to charge for the few that are filed each year. Rachelle described her plan to accept the filings, then formally request payment from the filer. Clerk Jeff Handler described his technique for handling them at Division Two. Justice Hurwitz confirmed the wisdom of not modifying the TurboCourt software to force payment due to the low number of cases and ease of identifying them in clerk review.
- Stewart asked those in the group present at the rules agenda to recap the fate of the various e-filing-related proposals before the court. Many of the detailed proposals were deemed premature. All changes to enable direct filing to the Supreme Court were approved. The other clerks confirmed that they will continue to forward any filings they receive. The group discussed formal service of process versus notification by the e-filing system as well as indications of signature related to Rule 11. Justice Hurwitz noted that research in preparation for the rules agenda surprisingly revealed no federal cases involving “mis-signed” electronic documents. He suggested use of some agreed notation to indicate the responsible attorney on any multi-attorney e-filing. The general approach for Rule 124, now that the existing text has been stricken and the proposed revisions not accepted, is to involve the Bar early in the crafting process in order to get and discuss their ideas before the wording is set.

### **WRAP UP**

A follow-up meeting will be scheduled in early October to report on progress, discuss publicizing mandatory appellate e-filing, and resolve any issues.

Meeting adjourned at 11:23 a.m.